

FISCAL IMPACT STATEMENT ON BILL NO. **S. 383**

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TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Beth Campbell, Ken Brown, Kate Billing, Allan Kincaid, Tricia Tangney, Rodney Grizzle, Harry Bell		
DATE:	April 4, 2005	SBD:	2005196

AUTHOR:	Senator Thomas	PRIMARY CODE CITE:	30-1-35
SUBJECT:	Identifying Information		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

BILL SUMMARY:

This Bill would add Section 30-1-35 to the South Carolina Code of Laws, 1976, so as to require that identifying financial information be deleted from public records and to require that personal identifying information be kept confidential by a public body.

EXPLANATION OF IMPACT:

Department of Archives & History

The Department estimates this Bill would require an additional cost to the General Fund of the State. Archives' has holdings of approximately 100,000,000 state and local government records dating from 1671 to present. The department currently does not have the staff to perform this extensive examination of records. The work would take many years to complete and unexamined records will have to be closed to public access. For example, four additional employees at an annual cost of \$108,000 would be able to examine approximately 33,000 documents each year.

State Budget and Control Board (Board)

A review of this Bill by Board staff indicates there would be minimal cost which can be absorbed to comply with Section 30-1-35 (B) (2) of the Bill. However, costs may range from minimal to significant to comply with Section 30-1-35 (B) (1) depending upon what would be specifically mandated. If the section is to be interpreted to unconditionally delete personal identifying information from public records used on a recurring basis, the cost to implement is undeterminable with staff continuously engaged in the collection, entry and deletion of information as it is needed. However, implementation could be managed within existing resources if the section is interpreted to give agencies flexibility in implementing the provision. Such flexibility would need to include discretion with regard to deletion of information after an agency no longer needs the information for business purposes; deletion of information when contained in a record that an agency provides pursuant to FOI request; allowing information to be "masked" within the public record rather than deleted; or information is retained in separate records, closed to the public, so that closed records may be connected to the public record when needed by an agency for business purposes.

Other Agencies

The Departments of Health & Human Services, Motor Vehicles, Revenue and Social Services, as well as the State Election Commission indicate enactment would have no impact on the General Fund of the State, or on Federal and/or Other Funds.

Employment Security Commission

The Bill has been forwarded to the Commission for review. The agency's response is pending.

LOCAL GOVERNMENT IMPACT:

Three local governments indicated there would be no impact associated with enactment. Two indicated there would be at least some cost associated with the additional staff time needed to delete records of personal identifying information. Two others estimated additional cost at between \$4,500 and \$100,000 annually.

SPECIAL NOTES:

None.

Approved by:

A handwritten signature in black ink that reads "Don Addy". The signature is written in a cursive, flowing style.

Don Addy
Assistant Director, Office of State Budget